

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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DOMENICO BROCCOLI, ET AL.,

Plaintiffs,

-against-

21 **CIVIL** 6931 (KMK)

JUDGMENT

LANCE ASHWORTH, ET AL.,

Defendants.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion and Order dated March 21, 2025, Defendants' Motion to Dismiss is granted. Plaintiffs' claims are dismissed with prejudice, as this is the second adjudication of Plaintiffs' claims on statute of limitations grounds. See *Denny v. Barber*, 576 F.2d 465, 471 (2d Cir. 1978) (holding that the plaintiff was not entitled to "a third go-around"); see also *Bryant v. Capra*, No. 18-CV-10198, 2021 WL 323263, at *5 (S.D.N.Y. Feb. 1, 2021) (dismissing the plaintiff's claims with prejudice where it was "the second time adjudicating his claims, and [the p]laintiff ha[d] not fixed the problems identified by the Court in" a prior opinion); *Melvin v. County of Westchester*, No. 14-CV-2995, 2016 WL 1254394, at *24 n.19 (S.D.N.Y. Mar. 29, 2016) (granting a motion to dismiss with prejudice where "[the p]laintiff ha[d] already had two bites at the apple, and they ha[d] proven fruitless" (alteration adopted) (citation omitted)). Accordingly, the case is closed.

Dated: New York, New York

March 24, 2025

TAMMI M HELLWIG

Clerk of Court



BY:

Deputy Clerk